

### REMARKS

Claims 26, 27, 28, 29, 30, 31, 32, 35, 41, 43, 45, 47, 48 and 49 are in this application.

Claims 33, 34, 36-40, 32 44 and 46 have been cancelled.

Claims 27 to 29 have been amended to change "a gene" to "genetic material".

Claim 30 has been amended to depend from claims 27, 28 or 29. "Gene" has been replaced by "genetic material".

Claim 40 has been cancelled.

Claim 1 was amended based on the description.

Page 6, lines 1-5, "According to an improved method, the stages of the preparation, inoculation and co-cultivation of explants comprise the following steps:

i) a step of selecting one or more leaf segments for preparing explants; ii) a step of preparing leaf discs by separating a segment from each disk, followed by inoculating and co-cultivating leaf discs with agrobacteria.

Page 8, lines 17-23, "In the improved method of transformation the step of preparing, inoculating and co-cultivating explants with agrobacteria is carried out stagewise in the following manner.

Explants from the same leaves are cut not at the same time, before the inoculation, but in at least in more than two independent approaches with a periodicity to 1 to 5 days, more preferably in 3 days. The number of steps is selected in the range of from 2 to 5, preferably from 3 to 4.

Page 10, lines 10-13, "from the prepared lots, explants with a lowered frequency of necrotic reactions are selected and transgenic plants are formed thereby".

"Modifications introduced into the method of agrobacteria transfer make it possible to make the following improvements in the parameters of the method as such and in the characteristics of transgenic plants. The method makes it possible: to lower the frequency of development of necrotic reactions on the explants being transformed (Fig. 3)".

Page 19, lines 24-28, "On the tenth day the development of the infection was assessed on the basis of three criteria 1) the degree of development of the surfaced mycelium; 2) the area of the

necrotic lesion of the leaf disks; 3) the degree of sporogenesis. The first and third criteria were evaluated in points from 0 to 5. The degree of necrosis was evaluated in the percentage of the area of the affected part of the disk."

Page 20, lines 20-24, "The frequency of necrosis of the explants was evaluated visually after 15 days of cultivation on the selective medium. The plant material transformed by following the standard and improved methods was compared. The obtained data suggest that the improvement of the inoculation and co-cultivation stages tells positively on the survival of the explants and on preventing the development of necrotic reactions in the places of wounding.

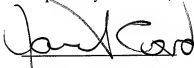
Therefore, no new matter has been added to claim 1.

The Examiner has rejected claims 26-49 under 35 USC 112, first paragraph. This is respectfully traversed.

Claim 26 has been amended to define a method of producing a transgenic strawberry plant and to include a number of components of the media. Therefore, it is respectfully requested that this rejection be withdrawn.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,



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